

CITY OF GRAND JUNCTION, COLORADO MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL

September 20, 1989

The City Council of the City of Grand Junction, Colorado, convened in regular session the 20th day of September, 1989, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were John Bennett, Bill McCurry, Paul Nelson, O.F. Ragsdale, Conner Shepherd, Reford Theobold, and President of the Council R.T. Mantlo. Also present were Acting City Manager Steve Anderson, City Attorney Dan Wilson, and City Clerk Neva Lockhart.

President of the Council Mantlo called the meeting to order, and Councilman Bennett led in the Pledge of Allegiance.

INVOCATION - Councilman Reford Theobold.

MINUTES

There being no corrections or additions to the minutes of the September 6, 1989, regular City Council meeting, they were approved as submitted.

PROCLAMATION DECLARING OCTOBER 1-31, 1989, AS "KNIGHTS OF COLUMBUS DAYS FOR THE MENTALLY RETARDED" IN GRAND JUNCTION

APPOINTMENTS TO THE GRAND JUNCTION FORESTRY BOARD

Upon motion by Councilman Bennett, seconded by Councilman Nelson and carried, the following were appointed to the Grand Junction Forestry Board:

Ted Ciavonne 3-Year Term

Dennis Hill 3-Year Term

John Denison 3-Year Term

James Matthews 2-Year Term

Mike Sutherland 2-Year Term

ALAN WORKMAN, GRAND JUNCTION LIONS CLUB, PRESENTS SECOND INSTALLMENT PAYMENT FOR RIVERFRONT PROJECT - \$33,000

HEARING #43-89 - PROPOSED ORDINANCE - ZONE BALL/WARD ANNEXATION, LOCATED AT 2470 AND 2472 F (PATTERSON) ROAD, TO PLANNED BUSINESS (PB)

A hearing was held after proper notice on the petition by City Planning Department to zone Ball/Ward Annexation located at 2470 and 2472 F (Patterson) Road, to Planned Business (PB) on approximately 5.2 acres. There were no opponents, letters or

counterpetitions. The following entitled proposed ordinance was read by title only: ZONING CERTAIN LANDS WITHIN THE CITY LIMITS WITH A STREET ADDRESS OF 2470 AND 2472 PATTERSON ROAD. Upon motion by Councilman Bennett, seconded by Councilman McCurry and carried, the proposed ordinance was passed for publication.

HEARING #44-89 - PROPOSED ORDINANCE - ZONE VINTAGE 70 ANNEXATION, LOCATED AT 2700 G ROAD, TO PLANNED RESIDENTIAL (PR-5.2)

A hearing was held after proper notice on the petition by City Planning Department to zone Vintage 70 annexation located at 2700 G Road, to Planned Residential (PR-5.2) on approximately 10.5 acres. There were no opponents, letters or counterpetitions. The following entitled proposed ordinance was read by title only: ZONING CERTAIN LANDS WITHIN THE CITY LIMITS GENERALLY LOCATED NORTHEAST OF G ROAD AND 12TH STREET. Upon motion by Councilman McCurry, seconded by Councilman Theobald and carried, the proposed ordinance was passed for publication.

HEARING #1-89 - PROPOSED ORDINANCE - ZONING AND DEVELOPMENT CODE TEXT AMENDMENTS FOR 1989

A hearing was held after proper notice on the petition by City Planning Department to amend the Grand Junction Zoning and Development Code to add the following sentence to Section 5-10-3B.2: No person shall keep, house or shelter one or more pigs, goats, burros or mules unless such person has obtained a conditional use permit in accordance with the provisions of Section 4-6 and 4-8 of this Code., and to amend Section 5-12-1 by deleting paragraph D in its entirety and renumbering paragraph E to paragraph D. There were no opponents, letters or counterpetitions. The following entitled proposed ordinance was read by title only: AMENDING SECTIONS 5-10B.2 AND 5-12-1 OF THE ZONING AND DEVELOPMENT CODE OF THE CITY OF GRAND JUNCTION. Upon motion by Councilman Ragsdale, seconded by Councilman McCurry and carried, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE - AMENDING ARTICLE I, SECTION 3, OF CHAPTER 31, CODE OF ORDINANCES, TO PROVIDE THAT AVAILABILITY CHARGES ON WATER ACCOUNTS WILL CONSTITUTE A LIEN ON REAL PROPERTY IF NOT PAID

The following entitled proposed ordinance was read by title only: AN ORDINANCE AMENDING ARTICLE I, SECTION 3, OF CHAPTER 31, CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO. Upon motion by Councilman McCurry, seconded by Councilman Theobald and carried, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE - AMENDING ARTICLE II, SECTION 35(B) OF CHAPTER 24, SALES AND USE TAX, OF THE CODE OF ORDINANCES, TO INCLUDE SURETY BOND - TABLED

Upon motion by Councilman Bennett, seconded by Councilman McCurry and carried, the proposed ordinance amending Article II, Section 35(b) of Chapter 24, Sales and Use Tax, of the Code of Ordinances,

to Include Surety Bond, was tabled.

#### BIDS - AWARD OF CONTRACTS

Concrete Walls, Willowbrook Subdivision - Clerk & Company - \$43,000

Upon motion by Councilman Bennett, seconded by Councilman Nelson and carried, the bids were accepted and the Contract for Concrete Walls, Willowbrook Subdivision, was awarded to Clark & Company in the amount of \$43,000, and the City Manager was authorized to sign said Contract.

Logging Recorder for ComCenter - Dictaphone Corporation - \$28,638.50

Upon motion by Councilman Ragsdale, seconded by Councilman McCurry and carried, the bids were accepted and the Contract for Logging Recorder for ComCenter was awarded to Dictaphone Corporation in the amount of \$28,638.50, and the City Manager was authorized to sign said Contract.

Mini Stretch Van for Police Department Traffic Division - Hellman Motor Company - \$16,399 - Tabled

Upon motion by Councilman Shepherd, seconded by Councilman McCurry the above item was tabled until the final grant documents are completed.

#### ORDINANCES ON FINAL PASSAGE - PROOFS OF PUBLICATION

The Proofs of Publication on the following Ordinances proposed for final passage had been received and filed. Copies of the Ordinances proposed for final passage were submitted in writing to the City Council prior to the meeting.

ORDINANCE NO. 2441 - REZONE FROM RMF-64 AND PZ TO PB PROPERTIES LOCATED AT 536 OURAY AVENUE AND 546 OURAY AVENUE

Upon motion by Councilman Nelson, seconded by Councilman McCurry and carried, the following entitled proposed ordinance was called up for final passage and read by title only: CHANGING THE ZONING ON CERTAIN LANDS WITHIN THE CITY WITH A STREET ADDRESS OF 536 AND 546 OURAY AVENUE.

There were no comments. Upon motion by Councilman Bennett, seconded by Councilman Nelson and carried by roll call vote, the Ordinance was passed, adopted, numbered 2441, and ordered published.

ORDINANCE NO. 2442 - REZONE FROM RMF-64 TO PZ PROPERTY LOCATED AT 537 CHIPETA AVENUE

Upon motion by Councilman Nelson, seconded by Councilman McCurry

and carried, the following entitled proposed ordinance was called up for final passage and read by title only: CHANGING THE ZONING ON CERTAIN LANDS WITHIN THE CITY WITH A STREET ADDRESS OF 537 CHIPETA AVENUE.

There were no comments. Upon motion by Councilman Theobold, seconded by Councilman McCurry and carried by roll call vote, the Ordinance was passed, adopted, numbered 2442, and ordered published.

ORDINANCE NO. 2443 - REZONE B-3 AND RSF-8 TO PB PROPERTY LOCATED AT 12TH AND 13TH STREETS, ORCHARD AVENUE AND MESA AVENUE (ALBERTSON'S, INC.)

Upon motion by Councilman Nelson, seconded by Councilman McCurry and carried, the following entitled proposed ordinance was called up for final passage and read by title only: CHANGING THE ZONING ON CERTAIN LANDS WITHIN THE CITY WITH A STREET ADDRESS OF 1838 NORTH 12TH STREET.

There were no comments. Upon motion by Councilman Theobold, seconded by Councilman McCurry and carried by roll call vote, the Ordinance was passed and adopted, as amended, numbered 2443, and ordered published.

HEARING - I.D. ST-89, PHASE A - E/W ALLEY BETWEEN 5TH AND 6TH STREETS BETWEEN SOUTH AND PITKIN AVENUES; E/W ALLEY BETWEEN 4TH AND 5TH STREETS BETWEEN CHIPETA AND GUNNISON AVENUES; E/W ALLEY BETWEEN 7TH STREET AND CANNELL AVENUE BETWEEN NORTH AVENUE AND GLENWOOD AVENUE; E/W ALLEY BETWEEN 8TH AND 9TH STREETS BETWEEN SOUTH AND PITKIN AVENUES; E/W ALLEY BETWEEN 5TH AND 6TH STREETS BETWEEN WHITE AND GRAND AVENUES - RESOLUTION NO. 43-89 CREATING DISTRICT

A hearing was held after proper notice on I.D. ST-89, Phase A, the east/west alley between 5th and 6th Streets between South and Pitkin Avenues; east/west alley between 4th and 5th Streets between Chipeta and Gunnison Avenues; east/west alley between 7th Street and Cannell Avenue between North Avenue and Glenwood Avenue; east/west alley between 8th and 9th Streets between South and Pitkin Avenues; east/west alley between 5th and 6th Streets between White and Grand Avenues. City Property Agent Tim Woodmansee reviewed the City's new program for creating alley improvement districts.

Mr. Keith Bradley, Director of the Grand Junction Rescue Mission, 550 South Avenue, spoke in opposition of the improvement district because of the costs. It was recommended by Councilman Ragsdale that at the time of assessment hearing, some compromise be considered by Council for the Grand Junction Rescue Mission. There were no opponents, letters or counterpetitions.

The following Resolution was presented and read:

RESOLUTION NO. 43-89

CREATING AND ESTABLISHING IMPROVEMENT DISTRICT NO. ST-89 PHASE A, WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION, COLORADO, AUTHORIZING THE RECONSTRUCTION OF CERTAIN ALLEYS THEREIN AND PROVIDING FOR THE PAYMENT THEREOF.

WHEREAS, on the 16th day of August, 1989, the City Council of the City of Grand Junction, Colorado, passed a Resolution Adopting Specifications for Improvement District No. ST-89, Phase A, and Authorizing Notice of Intention to Create said District; and

WHEREAS, Notice of Intention to Create said District was duly published.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

1. That said Improvement District No. ST-89, Phase A, be and the same is hereby created and established; and that the reconstruction of certain alleys therein be, and the same are hereby authorized and directed, in accordance with the Resolution Adopting Specifications prepared and filed therefor.

2. That the reconstruction of said alleys shall be made by contract let to the lowest reliable and responsible bidder after public advertisement, except that if it is determined by the City Council that the bids are too high, and that the proposed improvements can be efficiently made by the City, the City may provide that the construction shall be made under the direction and control of the City Manager by hiring labor by the day or otherwise, and by purchasing all necessary material, supplies and equipment.

3. That the improvements in said District were duly ordered, after notice duly given, and that all conditions precedent and all requirements of the laws of the State of Colorado, the Charter of the said City, and Ordinance No. 178, as amended, being Chapter 18 of the Code of Ordinances of the City of Grand Junction, Colorado, have been strictly complied with.

4. That the description of the improvements to be constructed, the boundaries of said Improvement District No. ST-89, Phase A, the amounts to be assessed, the number of installments and assessments, the time in which the cost shall be payable, the rate of interest on unpaid installments, and the manner of apportioning and assessing such cost, shall be as prescribed in the Resolution adopted for said District on the 16th day of August, 1989, and in accordance with the published Notice of Intention to Create said District.

PASSED and ADOPTED this 16th day of September, 1989.

;sigl;

/s/ R. T. Mantlo

Attest:

/s/ Neva B. Lockhart, CMC

\_\_\_\_\_  
City Clerk

Upon motion by Councilman Theobold, seconded by Councilman McCurry and carried by roll call vote, with Councilman NELSON ABSTAINING, the Resolution was passed and adopted as read.

RESOLUTION NO. 44-89 CREATING GRAND JUNCTION ARTS COMMISSION

The following Resolution was presented and read:

RESOLUTION NO. 44-89

CREATING THE GRAND JUNCTION ARTS COMMISSION

WHEREAS, the residents of Grand Junction, being a vital and innovative people, have created numerous organizations and activities concerning and promoting the arts; and

WHEREAS, the Grand Junction City Council recognizes that the arts are vital to the community's quality of life; important in attracting visitors and tourists; valuable as a source of commerce and industry; and desired by businesses considering relocation; and

WHEREAS, the City Council desires to nurture the arts and cultural activities in the community and to make these more readily available to residents; and

WHEREAS, the community's resources to support the arts and cultural activities are limited; and

WHEREAS, the City Council believes the wise use of the limited community resources requires coordination of the many art and cultural activities in Grand Junction.

NOW, THEREFORE, BE IT RESOLVED BY THE GRAND JUNCTION CITY COUNCIL:

1. The Grand Junction Arts Commission ("Commission") is hereby created.

2. The Commission, no later than one year from its creation and annually thereafter, shall submit a report to the City Council and community on the state of the arts in Grand Junction. The report should define and identify arts and cultural organizations in the community; identify the service each organization provides; evaluate how well each organization performs; assess the fiscal health and needs of each organization; determine the community's priority needs in the arts; and develop a plan to address those

needs.

3. The Commission will act in an independent fashion and serve as the principal coordinating body for advancement of the arts in Grand Junction.

4. The Commission shall work closely with all community groups to maximize the limited resources available to the arts.

5. The Commission will consist of nine members appointed by and serving at the pleasure of the Grand Junction City Council. Initial terms of Commission members will be as follows: three members to be appointed to two year terms; three members to be appointed to three year terms; and three members to be appointed to four year terms. Upon expiration of the initial terms, all subsequent tenures will be three years. Vacancies will be filled by the City Council for the duration of an unexpired term. No member of the Commission shall be a member or a spouse of a member of the governing boards or employees of any local arts organization.

6. Within three months of its first appointment, the Commission shall propose by-laws to be submitted to the City Council for its approval.

PASSED and ADOPTED this 20th day of September, 1989.

/s/ R. T. Mantlo

\_\_\_\_\_  
President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

\_\_\_\_\_  
City Clerk

EXHIBIT

ARTS COUNCIL #1

The Grand Junction Arts Commission will consist of nine members appointed by the Grand Junction City Council.

There will be one (1) ex-officio non-voting member representing the Grand Junction City Council, appointed by the City Council to hold office at the pleasure of the Council.

Mr. Davis requested that no members of any of the Boards of local Arts organizations be involved in the Arts Commission so there can be no chance of charges of conflict of interest.

Upon motion by Councilman Theobald, seconded by Councilman Nelson and carried by roll call vote, the Resolution was passed and

adopted, as amended.

#### AUTHORIZE \$100,000 DEDUCTIBLE ON CIRSA INSURANCE

Upon motion by Councilman Bennett, seconded by Councilman Shepherd and carried, \$100,000 Deductible on CIRSA Insurance was authorized.

#### MUSEUM PROJECT

Councilman Nelson stated that City Council will be issuing a letter on September 21, 1989, reflecting its position on the museum.

1. City wants to be clear that council wants to support and encourage a new museum under any circumstance.
2. Regardless of the location chosen, the City and its residents will benefit from the new Museum.
3. The City has been trapped in a bidding war between Fruita, Mesa Mall and downtown interests resulting in escalating costs and responsibilities for whoever "wins" the contest. In the end having winners and losers will be divisive to the various interests in the community.
4. The City has asked for and received little concrete evidence of the Museum's ability to make the new facility self supporting.
5. City residents are being asked to be the major underwriter, supporter and guarantor of a facility that has historically received County wide support.
6. Grant monies are not certain. This leaves City taxpayers left to back-stop the deal. The City could proceed far into the project only to discover that more money is needed for completion and/or operations. We must comply or the project will fail.
7. Very important that the members of a partnership of this magnitude, and it has been discussed that this project would be between \$6 and \$7 million dollars conservatively, it's important that those partners feel confident about each other and the City is anxious to feel confident about its partnership with the Museum. Therefore, the City's offer that will be made to the Museum tomorrow will be in the form of a challenge, a challenge to action on both parties' parts on performance, dates of completion, and return guarantees, etc. The City is not willing to release the terms that it is sending to the Museum this evening. The City feels it is not in the best interests of the community because that's how it has gotten into the bidding where it is now.

The City supports the Museum and its goals and wish the Museum well and the difficult decision that has to be made on its part.



Mr. Gil Wenger, 392 30 Road, admonished Council to give very careful thought to the site location. Council reemphasized the fact that it is in support of the Museum no matter what location is chosen by the Museum Board.

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

---

Neva B. Lockhart, CMC  
City Clerk